

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

LEONARDO ORTUNO-PALACIOS (34)

NO. 2:20-CR-015-Z(34)

FACTUAL RESUME

In support of Leonardo Ortuno-Palacios's plea of guilty to the offense in Count One of the Superseding Information, Ortuno-Palacios, the defendant, Alex Mendoza, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following.

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Superseding Information, charging a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), that is, Distribution and Possession with Intent to Distribute Methamphetamine, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed a controlled substance;
- Second.* That the substance was in fact methamphetamine; and
- Third.* That the defendant distributed the substance or possessed the substance with the intent to distribute it.

¹ Fifth Circuit Pattern Jury Instruction 2.95A (5th Cir. 2019).

STIPULATED FACTS

1. Leonardo Ortuno-Palacios, the defendant, admits and agrees that on or about March 5, 2020, in the Amarillo Division of the Northern District of Texas, and elsewhere, he did intentionally or knowingly distribute or possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), Title 18, United States Code, Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

2. In February 2019, Federal Bureau of Investigation (FBI) agents began investigating a drug trafficking organization (DTO) responsible for distributing large amounts of methamphetamine in and around Dimmitt, Texas (including the cities of Friona, Hereford, Tulia, Hart, and Plainview, Texas, and other nearby, rural communities). The investigation revealed that the DTO was led by Jesus Manuel Garcia (Garcia) who lived at 3941 Country Road 1, Hereford, Texas.

3. In or about October and November 2019, agents conducted court-authorized wire intercepts of Garcia's cellular phone. Agents intercepted many communications between Garcia and the defendant, Leonardo Ortuno-Palacios (Ortuno-Palacios). These calls revealed that Ortuno-Palacios was Garcia's methamphetamine source of supply.

4. For instance, in October 2019, agents intercepted several calls where Garcia indicated that he was trying to collect money that was owed to Ortuno-Palacios. In another conversation, Garcia stated that he had sent "21" (thousand dollars) to Ortuno-

Palacios and reiterated that the money was sent for Garcia's drug debt. Ortuno-Palacios later stated to Garcia that Ortuno-Palacios was getting a "whole one" and would bring Garcia some of the product when Ortuno-Palacios came to visit Garcia.

5. In November 2019, agents intercepted similar conversations between Garcia and Ortuno-Palacios. In one intercepted conversation, Garcia stated that business had been slow and that several of his customers had either not been paying or were not currently purchasing from Garcia. Agents had conducted several controlled purchases of methamphetamine from the individuals Garcia named as his customers. Garcia was also recorded telling Ortuno-Palacios that because business had slowed down, he still had "10 orchestras" there at his residence. Agents knew from training and experience that this was coded language Garcia used to state that he had a quantity of methamphetamine on hand that he was unable to sell. Agents also intercepted conversations where Garcia informed Ortuno-Palacios that Garcia had been trying to collect drug debts in order to pay Ortuno-Palacios. Agents also heard Ortuno-Palacios state that he would be travelling to Garcia's location soon.

6. In late 2019 and early 2020, agents conducted several controlled purchases of methamphetamine from Garcia at Garcia's residence, located at 3941 Country Road 1, Hereford, Texas. Garcia was present for many of these transactions and directly facilitated the sales.

7. In the days leading up to March 5, 2020, agents conducted surveillance at Garcia's residence in Hereford. Agents observed Ortuno-Palacios at the residence and it

appeared that Ortuno-Palacios was making an extended visit and staying at Garcia's residence.

8. On Marcy 5, 2020, agents executed a search warrant at Garcia's residence. Both Garcia and Ortuno-Palacios were located inside the residence. During the search, agents located a large amount of currency. Buried in the ground near a barn located on the property, agents discovered seven, sealed plastic bags that contained suspected methamphetamine.

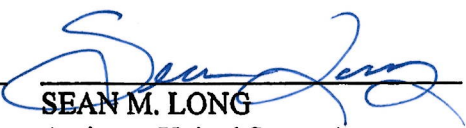
9. The methamphetamine was submitted to the Drug Enforcement Administration South Central Laboratory for testing. Testing confirmed that the substance was, in fact, methamphetamine and weighed a total of 3,100.5 grams (2,784.6 grams actual). This amount of methamphetamine is consistent only with distribution. Ortuno-Palacios admits that he possessed this methamphetamine and that he possessed it with the intent to distribute it.

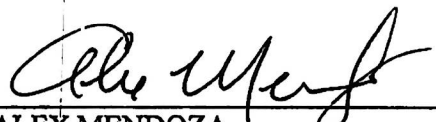
10. Ortuno-Palacios admits and agrees that he committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Superseding Information.

AGREED TO AND STIPULATED on this 26th day of April, 2021.

PRERAK SHAH
ACTING UNITED STATES ATTORNEY


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Defendant


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